

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Attorneys for Plaintiffs

B-STORY, INC., and BADA STORY,
INC.,

Plaintiffs,

v.

BADA STORY f/k/a SOJUSARANG,

Defendants.

18-CV-

Complaint with Jury Demand

GENERAL RESPONSE AND OBJECTIONS

Plaintiffs B-Story, Inc., and Bada Story, Inc., for their complaint against the above-named defendants, state:

THE PARTIES

1. Plaintiff B-Story, Inc., is a business entity organized under New Jersey law, having its principal address at 799 Abbott Blvd., Fort Lee, New Jersey.

2. Plaintiff Bada Story, Inc., is a business entity organized under New York law, having its principal address at 161-23 Crocheron Avenue, Flushing NY 11358.

3. Defendant Bada Story, formerly known as Sojusarang, is a business entity located at 4231 Markham Street, Annandale, Virginia.

4. Defendants John Doe or Jane Doe 1 through 5 are fictitious persons who are believed to be owners and operators of defendant Bada Story.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this action under 28 U.S.C. 1331 in that federal statutory law is implicated in this action, principally under the Lanham Act, 15 U.S.C. 1125. Venue is proper because place of injury is in this district.

FACTS COMMON TO ALL CLAIMS

6. Plaintiffs are the owners of a verbal and graphic trademark known as “BADA STORY,” as used in restaurants and other food service categories. Plaintiff B-Story received the trademark rights through an assignment from Bada Story, Inc., whose mark was registered in the principal register of the U.S. Patent & Trademark Office under Registration Number 4782670, with a Registration Date of July 28, 2015. Attached hereto as Exhibit 1 is the USPTO/TESS (United States Patent & Trademark Office, Trademark Electronic Search System) page showing the registration details.

7. Defendants operate essentially the same type of eating establishment as plaintiffs, namely Korean/Japanese sushi and other dishes. Defendants recently

adopted the name “BADA STORY” in violation of plaintiffs’ trademark rights. Defendants previously operated their business as “SOJU SARANG.”

8. Upon information and belief, defendants changed their business name to plaintiffs’ trademark knowing that plaintiffs’ trademark was more attractive, more marketable, and hence more valuable. On their own website, defendants have stated that they were formerly known as SOJU SARANG and they had changed their name:

Email: info@badastoryvs.com

Telephone: +1 703 256 3565

BOOK A TABLE

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BADA STORY USED TO
SOJUSARANG

[Home \(index.html\)](#) > [About Us \(about-us.html\)](#)

About **BADASTORY**

9. Defendants have intentionally and willfully infringed upon plaintiffs’ trademark rights and have otherwise palmed off the trademark rights of plaintiffs.

CLAIMS FOR RELIEF

Count One – Lanham Act

10. The preceding paragraphs are incorporated by reference.

11. By reason of the foregoing, defendants are in ongoing violation of the Lanham Act including section 43(a) thereof in that (A) they are violating plaintiffs' trademark rights; (B) are engaged in unfair competition; and (C) are engaged in false labeling and false advertising as to the source or affiliation with plaintiff and is thereby creating confusion or likelihood of confusion.

Count Two – Personal Liability

12. The preceding paragraphs are incorporated by reference.

13. Individual officers and owners are jointly and severally liable for the violations. Defendants John Doe and Jane Doe 1 through 5 are such officers or owners. Those defendants are jointly and severally liable for all injuries caused to plaintiffs.

Count Three – State Law Palming Off

14. The foregoing paragraphs are incorporated by reference.

15. Defendants have wrongfully converted or palmed off the proprietary rights of plaintiff, namely the BADA STORY trademark.

Count Four – Unjust Enrichment

16. The foregoing paragraphs incorporated by reference.

17. By the acts of the defendants complained of herein, defendants have been unjustly enriched to the detriment of plaintiff through their use of the BADA STORY trademark without payment.

18. Such acts benefitted and continue to benefit defendants at the expense of plaintiff.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally, as follows:

- A. compensatory damages;
- B. punitive damages;
- C. provisional and final injunction;
- D. legal fees; other professional fees; costs; and
- E. any other relief the Court deems just and proper under the circumstances.

JURY DEMAND

In accordance with Rule 38 of the Federal Rules of Civil Procedure, plaintiffs demand a trial by jury.

Dated: June 29, 2018

/s/ Michael Kimm
Michael S. Kimm